

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 340/2015 & I.A.No.6345/2018

RAJINDER PAL SINGH

..... Plaintiff

Through None

versus

JASJIT MAN SINGH & ANOTHER

..... Defendants

Through Mr.Daleep Dhyani, Advocate for D-2.
Mr.Pragyan Sharma with Mr.Mudit
Makhijani, Advocates for the
purchaser-Vijay Israni, in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **14.11.2018**

Today a typographical error in the order dated 15th October, 2018 has been corrected after initialling the same.

It is pertinent to mention that the present suit has been filed for declaration, partition and permanent injunction with regard to property No.L-24, Hauz Khas Enclave, New Delhi. A preliminary decree dated 09th October, 2015 was passed giving 1/3rd share each to the plaintiff, defendant no.1 and defendant no.2.

However, subsequently, the parties decided to sell the entire suit property to a third party i.e. Mr.Vijay Israni and Ms.Manisha Israni for Rs.30.25 crores.

On 31st July, 2017, a decree of sale was passed. Sale deed with regard to the entire suit property has been executed and today the

following three post-dated cheques have been handed over by the purchasers to learned counsel for defendant no.2:-

Sr.No.	Cheque No. and Date	Amount (in Rupees)	Drawn up Bank
1.	000286 dt.21.11.2018	75,00,000/-	Kotak Mahindra Bank, Green Park Main Market, New Delhi
2.	000287 dt.21.11.2018	80,00,000/-	Kotak Mahindra Bank, Green Park Main Market, New Delhi
3.	000289 dt.21.11.2018	51,978/-	Kotak Mahindra Bank, Green Park Main Market, New Delhi

Learned counsel for the purchasers assures and undertakes to this Court that the aforesaid cheques are good for payment.

It is agreed between the learned counsel for the purchasers and defendant no.2 that defendant no.2 shall hand over the possession of the suit property upon encashment of the aforesaid three cheques.

No Due Certificate with regard to the suit property has already been issued by the South Delhi Municipal Corporation.

It is clarified that all orders/decrees of partition are recalled and are redundant in view of the subsequent sale to the third party.

Consequently, the present suit and the application stand disposed of as satisfied.

In the event of any difficulty, the parties are given liberty to mention the matter.

MANMOHAN, J

NOVEMBER 14, 2018
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